

(i) That the *Biochemic No. 10* was an adequate and effective treatment for acidity, sour belching and rising of fluids, sour vomiting, diarrhea, colic, spasms, fever, ague, gastric derangement, heartburn, indigestion, and intestinal worms.

(j) That the *Biochemic No. 11* was an adequate and effective treatment for biliousness, excess of bile, bitter taste, greenish brown or grayish green tongue, bilious vomiting, vomiting of bile, jaundice, dropsy from diseases of the liver and scarlatina, bilious headache, intermittent fever, diabetes, erysipelas, gravel, polyuria, and edema of prepuce and scrotum.

(k) That the *Biochemic No. 12* was an adequate and effective treatment for paralytic conditions in general, profuse night sweats, caries, necrosis, inflammation, swelling and bending of bones (rachitis), scrofulous complaints, ailments following vaccination, ulcerations of all kinds, felons, fistula, glandular swellings, ulcerative consumption with expectorations of pus, lacrimal fistula, and constipation.

The articles were misbranded when introduced into, while in, and while held for sale after shipment in, interstate commerce.

DISPOSITION: August 2, 1954. Default decree of condemnation and destruction.

**4477. Misbranding of alfalfa seed. U. S. v. 69 Bags, etc. (F. D. C. No. 36436. Sample Nos. 83824-L, 83825-L.)**

LIBEL FILED: March 8, 1954, District of North Dakota.

ALLEGED SHIPMENT: Between the approximate dates of January 1 and July 1, 1953, from Moorhead, Minn.

PRODUCT: 69 unlabeled 1-pound bags and 69 labeled 1-pound envelopes of *alfalfa seed* at Fargo, N. Dak., in possession of the Fargo Seed House.

RESULTS OF INVESTIGATION: The product was shipped in bulk from Moorhead, Minn., and after its receipt by the Fargo Seed House, it was repackaged and a portion was relabeled.

LABEL, IN PART: (Envelope) "Sunland Grown Alfalfa For Tea 'Fargo Seed House' Fargo, N. Dak."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in the accompanying labeling of the article, namely, in a clipping of an advertisement from a local newspaper on display on the show case in the store of the Fargo Seed House, were false and misleading. The statements represented and suggested that the article was an adequate and effective treatment for arthritis and rheumatism, whereas the article was not an adequate and effective treatment for such conditions. The article was misbranded while held for sale after shipment in interstate commerce.

DISPOSITION: July 20, 1954. Default decree of condemnation. The court ordered that the product in the labeled envelopes be destroyed and that the product in the unlabeled bags be sold.

**4478. Misbranding of Whitmer's Black Diamond liniment, Whitmer's Red Carminative, and Whitmer's Eureka. U. S. v. H. C. Whitmer Co. and Fred C. Whitehouse. Pleas of not guilty. Tried to the jury. Verdicts of guilty for company and not guilty for individual. Fine of \$750, plus costs, against company. (F. D. C. No. 34344. Sample Nos. 11119-L, 11120-L, 11122-L.)**